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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,372	10/31/2006	James Langham Dale	DAV1172.006APC	2163

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EXAMINER

IBRAHIM, MEDINA AHMED

ART UNIT	PAPER NUMBER
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1638

NOTIFICATION DATE	DELIVERY MODE
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05/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-9 and 14-35, and 47 drawn to an isolated polynucleotide encoding polypeptide, and methods of using said polynucleotide.

Group II, claim(s), 10-13 drawn to probes for interrogating nucleic acids.

Group III, claim(s) 36-46, drawn to isolated polypeptides and the antigen binding molecule.

Group IV, claim(s) 48, drawn to an antigen binding molecule.

2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the invention of claim 1, drawn to an isolated polynucleotide that hybridizes to a nucleic acid having at least 30% identity to SEQ ID NO: 1 or 3, is known in the prior art as evidenced by the multiple of references cited in International Search Report submitted by Applicant On 03/24/06 . Therefore, there is no common special technical feature that links the invention of Group I to the invention of Group II, Group III or Group IV.

In addition, The special technical feature of Group I that is not recited in any of Groups II-IV is considered to be the plant transformation methods and the encoding polynucleotide.

The special technical feature of Group II that is not recited in any of Groups I and III-IV is considered to be the probe for interrogating nucleic acids.

The special technical feature of Group III that is not recited in any of Groups I-II and IV is considered to be the isolated polypeptide and antigen binding molecule.

The special technical feature of Group IV that is not recited in any of Groups I-III is considered to be the antigen binding molecule.

Therefore, inventions I-IV lacks unity.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEDINA A. IBRAHIM whose telephone number is (571)272-0797. The examiner can normally be reached on M-TH (8:30-5:30) and every other Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Grunberg Anne Marie can be reached on (571) 272-0975. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Medina A Ibrahim/
Primary Examiner, Art Unit 1638

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/573,372	DALE ET AL.	
	Examiner	Art Unit	
	MEDINA A. IBRAHIM	1638	